

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 18-56946

LATISHA RAY,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING FEE APPLICATION,
WITHOUT PREJUDICE, AS PREMATURE**

This case is before the Court on a fee application filed by the Debtor's attorneys on January 10, 2020, in a document entitled "First Interim Application for Order Approving Pre-Confirmation Attorney Fees" (Docket # 58). On February 5, 2020, the Debtor's attorney filed a Certification of Non-Response, indicating that no one had filed a timely objection to the fee application.

The Court will deny the fee application, without prejudice as stated below, as premature. It is premature because no Chapter 13 plan has been confirmed yet. The case is currently scheduled for an adjourned confirmation hearing to be held on April 30, 2020. The fee application does not demonstrate good cause for the Court to allow fees for the Debtor's counsel at this time, when no Chapter 13 plan has been confirmed yet. *See generally* 11 U.S.C. § 1326(a)(2). Even if the Court granted an interim fee application for the Debtor's attorney now, the Chapter 13 Trustee could not disburse any money to the Debtor's attorney from funds on hand in payment of such fees at this time, under § 1326(a)(2), nor could the Court order the Trustee to do so. And the Debtor's attorney likely will incur additional fees before the next confirmation hearing date.

Accordingly,

IT IS ORDERED that the fee application (Docket # 58) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of the Debtor's counsel to file a new fee application, after one of the following events has occurred in this case: (1) a plan has been confirmed; (2) the case has been converted to Chapter 7; or (3) the case has been dismissed.

Signed on February 6, 2020



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge